

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 15, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and S. Stahl, Deputy Clerk.

Each of the following:

B207127 People v. Duffy
B208759 DCFS v. H.H., et al.
B209688 People v. Perysian & Jackson
B209939 People v. Martinez
B210216 People v. Craig
B210458 DCFS v. T.O., et al.
B210537 People v. Jackson & Shepherd
B210709 People v. McDowell
B210998 People v. Henry
B212177 People v. Argueta
B212258 People v. Gonzales
B212920 People v. Semidey
B214066 People v. D.C.
B214146 People v. Jones
B214268 People v. L.B.
B214576 People v. Martinez
B214664 People v. Denny
B215257 People v. E.B.
B216297 DCFS v. S.R.
B216693 DCFS v. P.C.
B216705 People v. S.G.
B217330 DCFS v. K.D.
B219042 F.E. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (continued)

B214242 Los Angeles County, D.C.F.S.
 v.
 B.J.

Merits:

Argued by Aida Aslanian for appellant and by Jeanette Cauble, Deputy County Counsel for respondent. Cause submitted.

B211713 Full Throttle Films, Inc.
 v.
 National Mobile Television, Inc.
 Wachovia Capital Finance Corporation

Merits:

Argued by Irwin M. Wittlin for appellant and by Beth Ann R. Young for respondent. Cause submitted.

Rothschild, J. leaves the bench.

B213499 Haro, et al.
 v.
 Ibarra, et al.

Merits:

Argued by Tom A. Nunziato for appellants and by Craig L. Winterman for respondent Ibarra, et al. and by Robert C. Reback for respondent Association of Hispanic Physicians. Cause submitted.

B215116 People
 v.
 Gonzalez

Merits:

Argued by Elizabeth H. Lopez for appellant and by Steven D. Matthews, Deputy Attorney General, for respondent. Cause submitted.

Rothschild, J. returns to the bench.

DIVISION ONE (continued)

B216265 In re Edward Gozy on Habeas Corpus.

Merits:

Argued by Charles Chung, Deputy Attorney General, for appellant and by James M. Crawford for respondent Gozy. Cause submitted.

B207869 D.C., et al.
v.
R.R., et al.

Merits:

Argued by Rex Julian Beaber for appellants and by Robert S. Gerstein for respondents. Cause submitted.

B212598 Lowery
v.
Hughes

Merits:

Argued by Jason J. Buccat for appellant and by Daniel J. Klier for respondent. Cause submitted.

Rothschild, J. leaves the bench.

B210125 Brezina
v.
Coope, et al.

Merits:

Argued by David A. Cooper for appellants and by Douglas A. Frymer for respondent. Cause submitted.

DIVISION ONE (continued)

B210448 Howard, et al.
 v.
 Janumpally M.D., et al.

Merits:

Argued by Allison R. Turner for appellants and by Denise H. Greer for respondent Janumpally M.D. and by Matthew Stucky for respondent Lask M.D.. Cause submitted.

Rothschild, J. returns to the bench.

B210632 Kompany LLC
 v.
 Israyelyan, et al.

Merits:

Argued by Margaret M. Grignon for appellants and by Kevin K. Fitzgerald for respondent. Counsel may call clerk by Friday, December 18, 2009 with additional cites to the record. Cause submitted.

Johnson, J. leaves the bench.

B208402 Association of California Insurance Companies, et al.
 v.
 Poizner, et al.

Merits:

Argued by Mitchell C. Tilner for appellants and by Christine Zarifian, Deputy Attorney General, for respondent Poizner and by Pamela M. Pressley for respondent Foundation for Taxpayer & Consumer Rights. Cause submitted.

Court recessed.

DIVISION ONE (continued)

Court reconvened at 1:00 p.m.

Present: Rothschild, Acting P.J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

B209008 Clasby
 v.
 Mccolm, et al.

Merits:

Argued by Allen Hyman for appellant and by Daniel L. Alexander and J. Alan Warfield for respondents. Cause submitted.

B210605 Ponchak
 v.
 I.P.S. Enterprises, Inc., dba I.P.S. Private Advisors, et al.

Merits:

Argued by Terrance Ponchak for appellant and by Roy G. Weatherup for respondent Harrison. Timothy T. Tierney, Dennis J. Rhodes and David B. Van Etten appear for respondents and waive oral argument. Cause submitted.

B211392 Landau
 v.
 Gipson Hoffman & Pancione, et al.

Merits:

Argued by Gerald L. Sauer for appellant and by Allen L. Michel and Theodore W. Frank for respondents. Cause submitted.

Court adjourned.

DIVISION ONE (continued)

B215035 Blue Cross Of California, Inc., et al. (Certified for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

Petition denied by opinion. Real party in interest shall recover its costs of this writ proceeding.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION TWO

B211262 People (Not for Publication)

v.

Ayala

We reverse and strike the gang enhancement on count 4. The judgment is otherwise affirmed. The case is remanded for the trial court to correct the abstract of judgment to reflect that the gang enhancement is stricken.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B216521 Anderson, et al. (Certified for Publication)
 v.
 Merck & Co., Inc.

The judgment is affirmed. Merck shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

B215944 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 G.S.

The order terminating Father's parental rights is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

B212034 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 L.P.

The order is affirmed.

Epstein, P.J.

We concur: Manella, J.
 Suzukawa, J.

December 15, 2009 (Continued)

DIVISION FOUR (continued)

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The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B210735 People (Not for Publication)
v.
Alderete

We modify the judgment to show 34 days of conduct credit, and affirm as modified.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

B213401 People (Not for Publication)
v.
Burgess

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B210644 People (Not for Publication)
v.
Rodriguez

Defendant's conviction on count 3 is reversed. The judgment is affirmed in all other respects and the matter is remanded for resentencing.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B213329 People (Not for Publication)
v.
Ayala

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B210696 People (Not for Publication)
v.
Cabrera

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B213573 People (Not for Publication)

V.

Raymond Hernandez

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.

Mosk, J.

B215582 People (Not for Publication)

V.

Fredrick Cooper

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.

Mosk, J.

B209310 People (Not for Publication)

V.

Andrew Halperin

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION FIVE (continued)

B209800 People
v.
Vernon Johnson

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B211465 People (Not for Publication)
v.
Albert Garcia, Jr.

The sentence is modified as follows: the sentence as to count 3 is stayed pursuant to Penal Code section 654, subdivision (a); the \$20 “specimen and sample fee” is reversed; and the minute order of September 24, 2008, is corrected as discussed in part III (B) (4) of this opinion. The judgment is affirmed in all other respects.

Turner,P.J.

We concur: Armstrong, J.
 Kriegler, J.

B215111 Jack McCormick (Not for Publication)
v.
San Pedro Bait Company, Inc.,

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B217577 People (Not for Publication)
v.
Harris

The judgment (order denying petition for writ of coram nobis) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B210689 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B203503 People v. Rucker (Not for Publication)

The judgment is reversed and this matter is remanded to the superior court to conduct a new trial.

Zelon, J.

I concur: Jackson, J.
I dissent: Woods, Acting P.J. (Opinion)

DIVISION SEVEN (continued)

B214851 People (Not for Publication)
v.
R. G.

The maximum term of confinement is stricken. As modified, the juvenile court's order is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

B215132 People (Not for Publication)
v.
Vardanyan

The order is affirmed

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

B214159 Los Angeles County, D.C.F.S. (Not for Publication)
v.
D. C., et al.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

December 15, 2009 (Continued)

DIVISION SEVEN (continued)

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The order under review is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B212837 Melkam Tadesse (Not for Publication)
v.
Board of Trustees Los Angeles Community College District

The judgment is affirmed. Respondent is to recover its costs on appeal.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.